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Attorneys for Defendants
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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

ARYOUT MICHAEL THOMAS	CASE NO. 2:25-CV-1650-ODW-AGR
BHOTIWIHOK, an individual;)
JEREMIAH CORNELIUS, an individual;) Hon. Otis D. Wright II, Courtroom 5D
RANDY PAUGH, an individual; AND)
ALL THOSE SIMILARLY SITUATED,) STIPULATION TO STAY
) DISCOVERY AND VACATE FRCP
Plaintiffs,) 26(f)-RELATED DEADLINES
)
vs.) [Filed concurrently with Declaration of
) William Mullen in support and
FAIRLIFE, LLC, an Illinois limited) [Proposed] Order]
liability corporation; THE COCA-COLA)
COMPANY, a Delaware corporation;) FAC Filed: May 29, 2025
MIKE MCCLOSKEY, an individual; SUE) Trial Date: None Set
MCCLOSKEY, an individual; SELECT)

MILK PRODUCERS, INC., a New)
Mexico corporation; and DOES 1-10,)
)
Defendants.)
)

Pursuant to Civil Local Rule 7-1, Plaintiffs Aryout Michael Thomas Bhotiwihok, Jeremiah Cornelius, and Randy Paugh (collectively, “Plaintiffs”), and Defendants fairlife, LLC and The Coca-Cola Company (collectively, the “fairlife Defendants”), Select Milk Producers, Inc. (“Select”), and Mike McCloskey and Sue McCloskey (collectively, the “McCloskeys”) (the fairlife Defendants, Select, and the McCloskeys, collectively, “Defendants”), by and through their respective counsel of record, hereby state as follows:

WHEREAS, on February 26, 2025, Plaintiffs filed the Complaint (ECF No. 1);

WHEREAS, on May 12, 2025, the Court entered an Order granting the Stipulation Regarding Filing of the First Amended Complaint and Response Date that was previously filed by the Parties, and ordered that Plaintiffs shall file their Amended Complaint on or before May 29, 2025 and Defendants file their response to Plaintiffs’ Amended Complaint on or before July 10, 2025 (ECF No. 42);

WHEREAS, on May 29, 2025, Plaintiffs filed their First Amended Complaint (ECF No. 45);

WHEREAS, on July 3, 2025, the Court entered an Order granting the Parties’ Stipulation to Extend Time for Defendants to Respond to Plaintiffs’ First Amended Complaint, and ordered that Defendants’ responsive pleading deadline to Plaintiffs’ First Amended Complaint was continued from July 10, 2025 to August 7, 2025 (ECF No. 53);

WHEREAS, on August 7, 2025, the McCloskeys, fairlife Defendants, and Select each filed their own motion to dismiss Plaintiffs’ First Amended Complaint, all of which are set for hearing with the Court on October 20, 2025 at 1:30 p.m. (ECF Nos. 70, 71 and 72), with the McCloskeys’ motion to dismiss raising challenges for lack of

1 personal jurisdiction under Federal Rule of Civil Procedure 12(b)(2) and for failure to
2 state a claim under Federal Rule of Civil Procedure 12(b)(6), and the fairlife Defendants
3 and Select's respective motions to dismiss raising challenges for failure to state a claim
4 under Federal Rule of Civil Procedure 12(b)(6);

5 **WHEREAS**, on August 12, 2025, the Court issued an Order regarding
6 Scheduling Meeting of Counsel [FRCP 16, 26(f)] and Notice of Intent to Issue
7 Scheduling Order on October 20, 2025 (ECF No. 73);

8 **WHEREAS**, on August 21, 2025, counsel for the McCloskeys informed counsel
9 for Plaintiffs that they intended to file a motion to stay discovery and requested that the
10 Parties schedule a meet and confer call to discuss the same;

11 **WHEREAS**, on August 27, 2025, the Parties met and conferred about the
12 McCloskeys' anticipated motion to stay discovery which was prompted by the
13 McCloskeys' pending motion to dismiss Plaintiffs' First Amended Complaint;

14 **WHEREAS**, during the August 27, 2025 meet and confer call, the Parties agreed
15 that discovery on the merits of Plaintiffs' claims and Defendants' defenses, as well as
16 discovery related to class certification, should be stayed while the Court considers the
17 pending motions to dismiss;

18 **WHEREAS**, the Parties also agreed that the deadlines in the Court's Order
19 regarding Scheduling Meeting of Counsel [FRCP 16, 26(f)] and Notice of Intent to Issue
20 Scheduling Order on October 20, 2025 should be vacated in light of Defendants'
21 pending motions to dismiss and rescheduled, if appropriate, once the Court has ruled on
22 the pending motions; and

23 **WHEREAS**, the Parties believe that the interests of conserving resources and
24 efficiency will be served by staying discovery on the merits of Plaintiffs' claims and
25 Defendants' defenses and class certification until after the Court rules on the pending
26 motions to dismiss Plaintiffs' First Amended Complaint, and good cause exists to stay
27 such discovery and vacate the relevant deadlines in the Court's Order regarding
28 Scheduling Meeting of Counsel [FRCP 16, 26(f)] and Notice of Intent to Issue

Scheduling Order on October 20, 2025 to avoid any prejudice to Defendants since the case is not at issue yet and some or all of Plaintiffs' causes of action in the First Amended Complaint as well as some or all of Defendants may ultimately be dismissed.

WHEREFORE, IT IS HEREBY STIPULATED AND AGREED by the Parties that discovery on the merits of Plaintiffs' claims and Defendants' defenses, as well as discovery related to class certification, is stayed until after the Court issues a ruling on all of Defendants' respective motions to dismiss Plaintiffs' First Amended Complaint, and that the deadlines in the Order regarding Scheduling Meeting of Counsel [FRCP 16, 26(f)] and Notice of Intent to Issue Scheduling Order on October 20, 2025 are vacated.

Dated: September 4, 2025

TROUTMAN PEPPER LOCKE LLP

By: /s/ William C. Mullen

William C. Mullen

Lindsey B. Mann

W. Alex Smith

Anaid C. Reyes-Kipp

Attorneys for Defendants

Mike McCloskey and Sue McCloskey

Dated: September 4, 2025

WAYMAKER LLP

By: /s/ Sam S. Meehan

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Sam S. Meehan

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1 Dated: September 4, 2025

LAW OFFICE OF CHERYL LEAHY

2
3 By: /s/ Cheryl Leahy

4 Cheryl Leahy

5 Attorneys for Plaintiffs

6
7 Dated: September 4, 2025

KING & SPALDING LLP

8 By: /s/ Zachary A. McEntyre

9 Keri E. Borders

10 Rebecca B. Johns

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11 Zachary A. McEntyre

12 Attorneys for Defendants

fairlife, LLC and The Coca-Cola Company

13
14 Dated: September 4, 2025

FAEGRE DRINKER BIDDLE & REATH
LLP

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16
17 By: /s/ Joshua E. Anderson

18 Joshua E. Anderson

Jeffrey S. Jacobson

19 Attorneys for Defendant Select Milk
Producers, Inc.

ATTESTATION

Pursuant to Civil Local Rule 5-4.3.4(a)(2)(i), the filer attests that all other signatories listed, and on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.

Dated: September 4, 2025

TROUTMAN PEPPER LOCKE LLP

By: /s/ William C. Mullen

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